

SOLE DECLARATION FOR PATENT APPLICATION

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name;

I believe that I am the original and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled CRYOPRESERVATION OF DIVERSE PLANT CELLS, the specification of which [] is attached hereto; or

[X] was filed on June 7, 1996

Application Serial Number 08/659,997 and was amended on _____

(If applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Under 35 U.S.C. 119
				Yes [] No []
				Yes [] No []
				Yes [] No []
				Yes [] No []

Prior United States Application(s)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

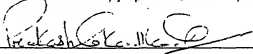
Application Serial Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned
08/486,204	7 June 1995	Pending

And I hereby appoint, both jointly and severally, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Scott F. Partridge, Registration No. 28,142; Rodger L. Tate, Registration No. 27,399; Jerry W. Mills, Registration No. 23,005; James G. Gatto, Registration No. 32,694; James Remenick, Registration No. 36,902; James B. Arpin, Registration No. 33,470; C. Patrick Turley, Registration No. 35,723; Christopher C. Campbell, Registration No. 37,291; Brian M. Buroker, Registration No. 39,125; Steven P. Klocinski, Registration No. 39,251; Laurence H. Posorske, Registration No. 34,698; Eric Sinn, Registration No. 40,177; Jerome T. Tao, Registration No. 37,247; and Stacy B. Margolies, Registration No. 39,760.

All correspondence and telephone communications should be addressed as follows: James Remenick; Baker & Botts, L.L.P., The Warner, Suite 1300; 1299 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2400. Telephone number (202) 639-7700, which is also the address and telephone number of each of the above listed attorneys.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature  Date 7/18/1996
Full Name of Inventor KADKAD Prakash G.
Family Name First Given Name Second Given Name
Residence 45 Lambert Circle, Medford, MA 01752
Citizenship U.S.A.
Post Office Address same

LAW OFFICES
BAKER & BOTTS, L.L.P.
The Warner; Suite 1300
1299 Pennsylvania Avenue, N.W.
WASHINGTON, D.C. 20004-2400
(202) 639-7700 Tel.
(202) 639-7890 Fax.

10015033 "121701

Applicant: Prakash G. Kadkade

Serial No.: 08/659,997

Dated: June 7, 1996

For: CRYOPRESERVATION OF DIVERSE PLANT CELLS

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am: (check one)

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN PHYTON, Inc.

ADDRESS OF CONCERN 125 Langmuir Lab, 95 Brown Road, Ithaca, NY 14850-1257

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121 3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled CRYOPRESERVATION OF DIVERSE PLANT CELLS by inventor(s) Prakash G. Kadkade described in

(check one)

☐ the specification filed herewith

☒ application serial no. 08/659,997, filed June 7, 1996

☐ patent no. _____, issued _____

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(f) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee of any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING J. R. KRIS

TITLE OF PERSON OTHER THAN OWNER Small Business Officer

ADDRESS OF PERSON SIGNING 125 Langmuir Lab, 95 Brown Road, Ithaca, NY 14850-1257

SIGNATURE _____

DATE 7/20/96

Baker & Botts, L.L.P.

The Warner

1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-24002